



Robert Greene Sterne Edward J. Kessler Jorge A. Goldstein David K.S. Cornwell Robert W. Esmond Tracy-Gene G. Durkin Michele A. Cimbala Michael B. Ray Robert E. Sokohl Eric K. Steffe Michael Q. Lee Steven R. Ludwig John M. Covert Linda E. Alcom Robert C. Millonig Lawrence B. Bugaisky Donald J. Featherston Michael V. Messinger V.

Judith U. Kim
Imothy I. Shea, Jr.
Patrick E. Garrett
Jeffery T. Helvey+
Heldi L. Kraus
Crystal D. Sayles
Edward W. Yee
Albert L. Ferro*
Donald R. Banowit
Peter A. Jackman
Molly A. McCall
Jersa U. Medler
Jerfiey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo II*
Eldora Ellison Floyd
W. Russell Swindell

Thomas C. Flala Brian I. Del Buono* Virgil Lee Beaston* Reginald D. Lucas* Kimberly N. Reddick Theodore A. Wood Elizabeth J. Haanes Bruce E. Chalker Joseph S. Ostroff Frank R. Cottlingham* Christine M. Uhuller Rae Lynn Prengaman* Jane Shershenovich Lawrence J. Carroll*

Senior Counsel Samuel L. Fox Kenneth C. Bass III Registered Patent Agent Karen R. Markowicz Andrea J. Kamage Nancy J. Leith Joseph M. Conrad III Ann E. Summerfield Helene C. Carlson Gaby L. Longsworth Matthew J. Dowd Aaron L. Schwartz Angelique G. Uy Borls A. Matvenko

*Admitted only in Maryland

*Admitted only in Virginia

*Admitted only in Texas

July 3, 2002

RECEIVED

JUL 0 8 2002

WRITER'S DIRECT NUMBER: (202) 371-2560
INTERNET ADDRESS:
RESMOND@SKGF.COM

Commissioner for Patents Washington, D.C. 20231

TECH CENTER 1600/2900 Attn: Office of Initial Patent Examination's Customer Service Center

Re: U.S. Utility Patent Application

Appl. No. 10/026,952; Filed: December 27, 2001

For: Primers and Methods for the Detection and Discrimination of Nucleic

Acids

Inventors:

Nazarenko et al.

Our Ref:

0942.4980006/RWE/MTT

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Request for Corrected Official Filing Receipt;
- 2. A photocopy of the Official Filing Receipt with corrections noted in red;
- 3. A photocopy of the Preliminary Amendment;
- 4. A photocopy of the postcard receipt;
- 5. A photocopy of the granted Decision on Petition regarding U.S. Patent Application No. 09/748,146; and
- 6. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLC: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skqf.com

Commissioner for Patents July 3, 2002 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond

Attorney for Applicants Registration No. 32,893

Robert V. Somend

Enclosures

::ODMA\MHODMA\SKGF_DC1;30441;1 SKGF Rev. 2/15/02 dcw

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NAZARENKO et al.

Appl. No. 10/026,952

Filed: December 27, 2001

For:

Primers and Methods for the

Detection and Discrimination of

Nucleic Acids

Confirmation No. 7365

Art Unit: 162

Examiner: To be assigned

Atty. Docket: 0942.4980006/RWE/MTT

Request for Corrected Official Filing Receipt

Commissioner for Patents Washington, D.C. 20231

Attn: Office of Initial Patent Examination's Customer Service Center

Sir:

Applicants hereby request that a corrected Official Filing Receipt be issued and sent to the undersigned representative. Specifically, the following corrections to the Official Filing Receipt are requested: Domestic Priority Data has previously been corrected in a Preliminary Amendment filed on April 30, 2002. A copy of the Preliminary Amendment and the postcard receipt are provided herewith. A copy of a granted Petition to convert Non-Provisional U.S. Patent Application 09/748,146 into a Provisional Application is also provided to support Applicants' claim to priority in the Preliminary Amendment. In support of the above request, a photocopy of the instant Official Filing Receipt is enclosed with the corrections noted in red. It is requested that a corrected Official Filing Receipt be issued, and sent to the undersigned at the earliest possible time.

Respectfully submitted, STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond Attorney for Applicants Registration No. 32,893

Date: <u>July 7, 2002</u> 1100 New York Avenue, N.W. Suite 600 Washington, D.C. 20005-3934 (202) 371-2600

::ODMA\MHODMA\SKGF_DC1;29917;1

OMMISSIONER FOR PATENTS

United States Patent and Trademark Office WASHINGTON, D.C. 20231

www.uspto.gov

APPLICATION NUMBER

FILING DATE

GRP ART UNIT

FIL FEE REC'D ATTY.DOCKET.NO

DRAWINGS

TOT CLAIMS IND CLAIMS

10/026.952

12/27/2001

1623

3622

0942.4980006/RWE/AGU

17

26111 STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W., SUITE 600 **WASHINGTON, DC 20005-3934**

CONFIRMATION NO. 7365 UPDATED FILING RECEIPT

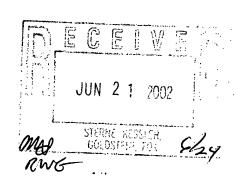
OC000000008307608

Date Mailed: 06/18/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an rror is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195: Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Irina Nazarenko, Gaithersburg, MD; Ayoub Rashtchian, Gaithersburg, MD; Joseph Solus, Madison, AL: Richard M. Pires, Germantown, MD; Marlene Darfler, Derwood, MD: Gulilat Gebeyehu, Potomac, MD; Mekbib Astatke, Germantown, MD;



Assignment For Published Patent Application

Invitrogen Corporation;

Domestic Priority data as claimed by applicant

09/748,146 filed on THIS APPLN CLAIMS BENEFIT OF 60/330,468 10/23/2001. AND

F reign Applications

If Required, Foreign Filing License Granted 01/30/2002

Pr jected Publication Date: 04/24/2003

Non-Publication Request: No

Early Publication Request: No

Title

Primers and methods for the detection and discrimination of nucleic acids

Preliminary Class

536

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231

SUITE 600 1100 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005-3934

JUN 2 1 2002

RECEIVED

JUL 0 8 2002

STERME KESSIER Date Mailed: 06/18/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Claims, Fees, Inventors and Continuity

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:
The total number of claims appearing on the Filing Receipt does not include multiple dependent claims. The total fee appearing on the Filing Receipt includes the cost of multiple dependent claims that were present at the time the application was filed.
The filing fee is correct. It may include additional claims fees and/or the surcharge under 37 CFR 1.16(e) for filing an oath/declaration or basic filing fee after the application filing date.
The inventor information may be truncated if the family name consists of more than 50 characters (letters and spaces combined) and if the given name consists of more than 50 characters (letters and spaces combined).
The inventor's residence allows for up to 40 characters (letters and spaces combined).
The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. (See MPEP 605.02).
The docket number allows a maximum of 25 characters.
The priority or continuity will not be entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.
X Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the

applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an amendment or Application Data Sheet.
Foreign priority will appear on the Filing Receipt in the following order: Country, Application number, Filing date.
The person signing on behalf of the deceased inventor is reflected on the Filing Receipt as the legal representative.
The filing date of a parent application cannot be changed by this request. A petition to correct the filing date in the parent application is required.
Customer Service Center Office of Initial Patent Examination (703) 308-1202

JUL 0 8 2002

TECH CENTER 1600/2900





Applicants: NAZARENKO et al.

Filed:

Application No.:

10/026,952

December 27, 2001

Due Date:

Examiner: Art Unit: To be assigned April 30, 2002 1623

Docket: 0942.4980006

Primers and Methods for the Detection and Discrimination of Nucleic Acids Atty: RWE/AGU

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

- PTO Fee Transmittal Form PTO/SB/17;
- Preliminary Amendment; Copy of the Notice to File Missing Parts;

- Letter to PTO Draftsman: Submission of Formal Drawings;
 60 sheets of Formal Drawings with (Figures 1A-1B, 2A-2B, 3-4, 5A-5C, 6-12, 13A-13B, 14-15, 16A-16B, 17A-17B, 18A-18D, 19A-19D, 20A-

Petition for Extension of Time Under 37 C.F.R.§ 1.136(a)(1);

- Paper and computer readable copy of Sequence Listing; 20D, 21, 22A-22B, 23, 24A-24B, 25A-25B, 26A-26B, 27A-27C, 28-38, 39A-39C, 40, 41A-41B, 42A-42D, 43A-43B, 44A-44B, 45, and 46);
- An original executed Power of Attorney from Assignee; Five (5) Original Declarations, executed by the inventors;
- Assignee 37 C.F.R. § 3.73(b) Statement with copy of Five (5) Assignments attached;
- \$2,752.00 Fee for excess claims (37 C.F.R. § 1.16); and \$130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16); and Our Cleck No. 35016 for \$3,732.00 to cover: \$740.00 Filing Fee for Patent Application (37 C.F.R. § 1.16); \$110.00 Extension of Time fee;

Return postcard.

Please Date Stamp And Return To Our Courier

Box: Missing Parts CAUCH UNITED AS